

## **Exhibit A**

### **Administrative Record**

**§c (1)**

**MINUTES**

**CITY OF SAN LEANDRO CITY COUNCIL AND  
SAN LEANDRO REDEVELOPMENT AGENCY  
JOINT MEETING**

**OCTOBER 16, 2006**

**Civic Center  
835 East 14th Street  
San Leandro, California**

**REGULAR MEETING**

**7:00 PM—City Council Chambers**

**1. CALL TO ORDER**

The meeting was called to order at 7:01 p.m.

Mayor Young announced to the large audience that no standing is allowed in the Council Chamber, and additional seating is available in the overflow room behind the Chamber and in the Sister Cities Gallery across the hall.

**A. Pledge of Allegiance to the Flag**

Members of Cub Scout Pack 702 led the Pledge of Allegiance to the Flag.

**B. Roll Call**

PRESENT: Members Badger, Grant, Nardine, Santos, Starosciak, Stephens; Mayor Young

ABSENT: None

**2. PRESENTATIONS/RECOGNITIONS**

Mayor Young introduced Paul Schultz, Leader of Cub Scout Pack 702. Mr. Schultz gave information on his Cub Scout group, which meets at Calvary Lutheran Church and School, and most of the group are fourth graders at the school. Cub Scouts progress through various ranks, the final two of which are Webelos 1 and 2, and the members of Pack 702 are Webelos 1. Mr. Schultz stated that, in order to earn their Webelos badge, the Scouts must complete a citizenship requirement, which requires them to meet a civic leader and learn the job position and responsibilities. Mr. Schultz thanked the Mayor and Council and commented that this has been a great learning opportunity for the Scouts.

Mayor Young announced the following presentations were made in the past month:

- A Proclamation was issued declaring October 3, 2006 as “Soroptimist International Day” in San Leandro in recognition of Soroptimist’s 85<sup>th</sup> Anniversary.
- A Proclamation was issued declaring October 26, 2006 as “San Leandro Adult School Day.”
- A contribution was made from the Mayor’s Community Fund to the San Leandro Arts Scholarship winner, Hoi-Fei Mok.

Mayor Young announced that Vice Mayor Grant would be presenting the San Leandro Adult School proclamation at the opening of their new facility on Williams Street this week.

In deference to the large number of audience members present, and without objection from the Council, Mayor Young took Public Comments out of order. She announced that she would allow additional Public Comments during its regular place in the agenda for anyone arriving after 7:30 who wishes to speak under that item.

## 5. PUBLIC COMMENTS (taken out of order)

Public Comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor. When you address the City Council, you should **fill out a speaker card** and submit it to the City Clerk so the order of speakers may be determined and an official record of names and addresses obtained. The public is invited to make comments on items of public interest **NOT** listed on the Agenda.

**Jeff Ryan, San Leandro resident**, yielded his speaker time to Pastor Gary Mortara.

**David Silvey, Pastor of Faith Fellowship Church**, addressed the City Council, relating the life changes he experienced through his membership in Faith Fellowship Church. Mr. Silvey commented that he was a San Leandro resident for fourteen years, became an Associate Pastor with Faith Fellowship, and is currently planning to start a church in Mountain House.

**Sam Maliniak, Project Manager with San Jose Construction**, addressed the City Council, commenting that he is the advising architect to the City of Santa Clara Planning Commission and Architectural Review Committee. Mr. Maliniak noted that the City of Santa Clara’s policy is to locate churches on the fringe areas of industrial zones rather than in the middle, and several churches in Santa Clara have located on the fringes of industrial areas. Mr. Maliniak inquired when the Faith Fellowship application would be formally considered, and what is the City’s policy on the location of churches in industrial zones.

**Gary Mortara, Pastor of Faith Fellowship Church**, addressed the City Council, apologizing for the recent inundation of voicemail and email messages. Pastor Mortara stated that he felt he needed to get the Council’s attention, as the church has been in escrow for a property on Catalina since February and has not been able to make progress on its application. He indicated the church’s interest in remaining at the Washington Manor location; however, due to the church’s 1,500 members and the related parking and traffic

issues, it must relocate to a larger location. Pastor Mortara appealed to the City Council to assist the church in moving its application forward.

**Keith Barros, San Lorenzo resident**, addressed the City Council, thanking the Mayor and Council for the prompt response in addressing the trash problem behind the Target Store at Hesperian and Lewelling. Mr. Barros requested that the Council consider having police officers report instances of blight when they observe them so that the problems can be addressed in a timely manner.

**Ed Bulloch, Faith Fellowship Church**, addressed the City Council regarding the proposed relocation of Faith Fellowship Church to Catalina Street. Mr. Bulloch commented on the concern regarding the loss of industrial land and related tax issues and stated willingness to look into ways to make the church's current property revenue-producing. Mr. Bulloch expressed interest in working with the City to find a way for the church to stay in San Leandro.

**The Council recessed from 7:22 to 7:27 to allow members of the audience to exit the Chamber.**

### 3. PUBLIC HEARINGS

Public Hearing Comments are limited to 5 minutes per speaker, subject to adjustment by the Mayor. When you address the City Council, you should **fill out a speaker card** and submit it to the City Clerk so the order of speakers may be determined and an official record of names and addresses obtained.

A. Matter of **PLN2006-00031**; Use Permit for the Conversion of the Willows Townhouse Apartments, a 122-Unit Apartment Complex, to Condominium Ownership; Vesting Tentative Map, Tract No. 7791 to Create Subdivision for Condominium Ownership. As part of the condominium conversion application, the property owner is proposing to increase the current off-street parking supply with the installation of parking lifts on the property. **700-720 Fargo Avenue**; Assessor's Parcel Number 80G-1287-1-2; T. Maas, GRN House LLC (property owner and applicant); RM1800 Residential Multiple-Family District.

This being the time and place for the Public Hearing on the above matter, City Manager Jermanis gave background on the item and introduced Planner Elmer Penaranda. Mr. Penaranda gave a PowerPoint presentation describing the proposed conversion of the Willows Townhouse Apartments to condominiums.

Terry Maas, representing applicant Vasona Management Inc., gave background on the company, provided examples of the properties the company has renovated, and described the car lifts proposed to increase the parking supply at the Willows.

The Hearing was then opened to the public.

There being no comments from the public, and without objection, the Public Hearing was closed.

Staff and Mr. Maas responded to questions from the Council.

Vice Mayor Grant commented that she knows people who have used car lifts, and they appear to work well.

Councilmember Starosciak commented that she toured the Willows before the application was submitted to the City. She commented that she has heard a lot of people are interested in purchasing units. Councilmember Starosciak stated that she has heard favorable comments from the neighbors, including the Chinese Christian School. She noted that although the parking does not meet all the City standards, it provides significant relief to, and is good for, the neighborhood. Councilmember Starosciak stated her support for the project.

Mayor Young observed that guest parking in townhouse complexes is often taken up by residents and asked whether oversight would be attended by management. She commented favorably on the car lift concept.

- **Minute Order No. 2006-042**, Motion Approving a Conditional Use Permit to Convert the Rental Units at the Willows Townhouse Apartments into Condominium Units for Individual Ownership Subject to Recommended Findings and Conditions of Approval; 700-720 Fargo Avenue; Assessor's Parcel Number 80G-1287-1-2. (1098)

**The City Council approved a Conditional Use Permit to convert the rental units at the Willows Townhouse Apartments into condominium units for individual ownership subject to Recommended Findings and Conditions of Approval; 700-720 Fargo Avenue; Assessor's Parcel Number 80G-1287-1-2.**

**M/S/C Starosciak and Santos. Ayes: 7; Noes: 0**

- **Resolution No. 2006-115**, Resolution Approving Findings for Vesting Tentative Map, Tract No. 7791, 700-720 Fargo Avenue (Willows Townhouse Apartment Complex), Alameda County Assessor's Parcel Number 80G-1287-1-1, T. Maas, GRN House LLC (Applicant and Property Owner). (3100)

**M/S/C Starosciak and Santos. Ayes: 7; Noes: 0**

B. Matter of Appeal by Wayland Lew of the Board of Zoning Adjustment's Approval of **PLN2005-00063**; Major View Preservation/Site Plan Review and Height Exception. The main house and the carriage house exceed the maximum height in the RS-VP District of 18 feet and require a height exception; two-story additions in the RS-VP

District require a major site plan review/view preservation. **2888 Darius Way**; Assessor's Parcel Number 79-20-47; M. Luong (applicant and property owner); RS-VP Residential Single-Family View Preservation Sub-District. **Continued from September 5, 2006.**

This being the time and place for the Public Hearing on the above matter, City Manager Jermanis stated that the applicant and appellant have agreed to a continuance of the appeal to December 4, 2006.

Community Development Director Hanson Hom indicated that the continuance has been requested in order to more thoroughly address the soil stability issue, which is the primary issue cited by the neighboring residents.

- **Minute Order No. 2006-043.** Motion to Continue the Appeal to December 4, 2006 in Order to Prepare More Extensive Soil and Geotechnical Studies, at the Request of the Appellant and Applicant. (1136)

**The City Council continued the appeal to December 4, 2006 in order to prepare more extensive soil and geotechnical studies, at the request of the appellant and applicant.**

**M/S/C Badger and Starosciak. Ayes: 7; Noes: 0**

#### **4. JOINT CITY COUNCIL/SAN LEANDRO REDEVELOPMENT AGENCY PUBLIC HEARINGS**

None.

#### **5. PUBLIC COMMENTS**

Public Comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor. When you address the City Council, you should **fill out a speaker card** and submit it to the City Clerk so the order of speakers may be determined and an official record of names and addresses obtained. The public is invited to make comments on items of public interest **NOT** listed on the Agenda.

No additional public comments.

**The Council recessed from 8:03 to 8:14 p.m.**

## 6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

City Manager Jermanis commented that Faith Fellowship Church makes a significant contribution to the community through the help extended to its members, and staff is interested in helping the church find an appropriate location for its expansion. Mr. Jermanis noted that it is a fundamental land use issue and one that will take time to work through. He stated that he has responded to all the voicemail and email messages the City has received on this subject.

City Attorney Jayne Williams announced the 20<sup>th</sup> anniversary of the law firm of Meyers Nave, which was started in San Leandro by Steve Meyers, Libby Silver and Mike Riback, and now represents 29 cities in California.

## 7. AMENDMENT OF CONSENT CALENDAR

City Councilmembers or staff have an opportunity at this time to request that an item be removed from the Consent Calendar for the presentation of a staff report or other special consideration. Members of the Public may request the opportunity to address the City Council regarding items remaining on the Consent Calendar by filling out a speaker card and submitting it to the City Clerk prior to the calling of Item 7, Amendment of Consent Calendar. Items remaining on the Consent Calendar will be considered for approval under one motion.

No amendment to Consent Calendar.

## 8. CONSENT CALENDAR

Consent Calendar items are considered for approval by the City Council with one single action. As described above in Item 7, Amendment of Consent Calendar, the City Council may remove items from the Consent Calendar for purposes of presentation or discussion. Members of the public who have requested to address the Council regarding items remaining on the Consent Calendar may do so for up to 3 minutes per item with a maximum of 5 minutes for all items. Items listed on the Consent Calendar are deemed to have been read by title.

**The items on the Consent Calendar were approved by the following vote:**

**M/S/C Nardine and Badger. Ayes: 7; Noes: 0**

- A. Minutes of the Meeting of October 2, 2006. **Approved as submitted.**
- B. **Resolution No. 2006-116**, Resolution Approving the Memorandum of Understanding (MOU) Between the City of San Leandro and the San Leandro Police Officers'

Association (SLPOA) (provides for a three-year contract for the period from January 1, 2007 to December 31, 2009). (1177/1385)

## 9. ITEMS REMOVED FROM CONSENT CALENDAR

Public comments are limited to 3 minutes per speaker per item, subject to adjustment by the Mayor.

None.

## 10. ACTION ITEMS

Public comments are limited to 3 minutes per speaker per item, subject to adjustment by the Mayor.

A. Presentation on Alameda County Fire Department (ACFD) Fire Apparatus Procurement Process.

Mr. Jermanis gave the background on the item, on which the Council had requested additional information, and introduced Fire Chief Bill McCammon.

Chief McCammon gave a PowerPoint presentation describing the types of fire apparatus used in San Leandro, the age of the existing apparatus, the competitive bid process, and the savings realized by the City by the ability to piggyback on the County apparatus purchases. Chief McCammon outlined a proposal for the City to piggyback with the County on future apparatus purchases so that both jurisdictions could achieve considerable savings. He noted the waiting period of almost a year from the time the apparatus is ordered until it is built and delivered.

Chief McCammon responded to questions from the Council.

Councilmember Starosciak inquired about the status of the Fire Department's new maintenance facility. Chief McCammon reported that the project is in the design and bid phase and should be completed in about 18 months. The facility will be built next to Station 3 on 164<sup>th</sup> Avenue.

B. Report on Closed Session Actions Taken

None.

## 11. CITY COUNCIL REPORTS

A. Reports on Intergovernmental Agencies

None.

## B. Reports on Conferences and Seminars

None.

## C. Reports on City Council Committees

1. Facilities Committee Meeting of September 27, 2006. **Accepted as submitted.**
2. Rules and Communications Committee Meeting of October 5, 2006. **Accepted as submitted.**

**Recommendation for City Council Consideration:**

- a. Schedule approval of the San Leandro Administrative Code Recodification, Phase 3.

**By consensus, the City Council approved this recommendation.**

- b. Schedule adoption of the amendments to the San Leandro Administrative Code revising the Banner Policy and Fee Schedule.

**By consensus, the City Council approved this recommendation.**

- c. Approve discontinuance of printing Council business cards with thermographic method. When Councilmembers need new business cards, they will be given the option of in-house printing of cards with a multi-colored City logo, or union print shop printing of two color business cards, with the City logo in gold-colored ink and text in black ink.

**By consensus, the City Council approved this recommendation.**

- d. Approve distribution and use of the Travel Expense Report Form and procedures related to the City Council Reimbursement Policy.

**By consensus, the City Council approved this recommendation.**

**12. CITY COUNCIL COMMENTS**

Councilmember Badger requested tonight's meeting be adjourned in memory of John Jordan "Buck" O'Neil, who was a baseball player in the former Negro League; and Theodore Scott, Jr., a longtime friend of his.

Councilmember Nardine commented that she would like to see MacArthur area restaurants and businesses, as well as Downtown businesses, included or highlighted in the Cherry Festival.

Councilmember Santos requested tonight's meeting be adjourned in memory of Lee Ness, who was a longtime resident of San Leandro, Vice President of the Marina Faire Homeowners Association, and member of the San Leandro Planning Commission.

Mayor Young announced that since Friday's Trivia Bee will be her last, she will serve on the Mayor and City Council team along with Councilmember Starosciak and Elijah Breedlove, a senior at Redwood Christian School. She provided Trivia Bee tickets to the Council.

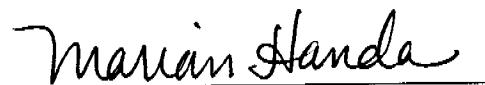
Mayor Young commented that tonight's meeting would also be adjourned in memory of Flora Jean Toney, a great philanthropist and wife of Admiral Robert L. Toney.

### 13. ADJOURN

The meeting was adjourned at 8:46 p.m. and

- in memory of John Jordan "Buck" O'Neil.
- in memory of Theodore Scott.
- in memory of Lee Ness.
- in memory of Flora Jean Toney.

RESPECTFULLY SUBMITTED:

  
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MARIAN HANNA  
City Clerk of the City of San Leandro